

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GWENN HALE,

Plaintiff,

v.

DOUGLASS B. WALTERS,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No.: 3:03 cv 526 MJR

**ORDER**

This matter is before the Court on the Motion for Inclusion of Exhibits filed by the plaintiff, Gwenn Hale, on April 27, 2005 (Doc. 65), the Motion for Third Party Production of Documents, Interrogatories, Admissions, and for Defendant to Respond filed by the Hale on April 27, 2005 (Doc. 66), and the Motion for Time to Amass Witnesses filed by Hale on April 27, 2005 (Doc. 67). The Motion for Inclusion of Exhibits is **GRANTED** (Doc. 65), the Motion for Third Party Production of Documents, Interrogatories, Admissions, and for Defendant to Respond is **DENIED** (Doc. 66) and Motion for Time to Amass Witnesses is **DENIED WITHOUT PREJUDICE** (Doc. 67).

In Document 65 the plaintiff requests that the documents attached to the response to the motion for summary judgment be considered. While this motion is unnecessary, the Court will consider the documents attached to the response. The documents are examined in greater detail in this Court's Report and Recommendation filed on the same day as this order.

Document 66 seeks a Court order requiring third parties and the defendant to respond to various discovery requests. The plaintiff has not indicated what discovery he seeks or when such discovery was sought. There is no indication of which specific third party the plaintiff seeks

discovery from. There also is no indication that the plaintiff has utilized the discovery process, by submitting requests for discovery along with a subpoena pursuant to Federal Rule of Civil Procedure 45, prior to seeking a Court order. In an order dated February 10, 2005, the plaintiff specifically was ordered to specify which discovery items he is requesting, from whom, and how the documents related to his case. The plaintiff has failed to do so in filing this motion. While the Court is mindful that the plaintiff is indigent and has limited resources, this still does not excuse him from following the federal rules and the orders of this Court. For these reasons, this motion must be denied.

Document 67 seeks a Court order giving the plaintiff 30 days to “amass” witnesses, presumably for trial. As this matter has not been set on a trial calendar, this request is premature. When, and if, this matter is scheduled for trial, the plaintiff will be given an adequate opportunity to subpoena witnesses for trial. Therefore, this motion is denied without prejudice.

**DATED: May 10, 2005.**

**s/ Donald G. Wilkerson**  
**DONALD G. WILKERSON**  
**United States Magistrate Judge**